2014 Senior External Examination

Legal Studies
Paper Two — Question book

Thursday 6 November 2014
1 pm to 4:10 pm

Time allowed
- Perusal time: 10 minutes
- Working time: 3 hours

Examination materials provided
- Paper Two — Question book
- Paper Two — Response book

Equipment allowed
- QCAA-approved equipment
- research task material completed during the year
  (for use when responding to Part A Section 2 — Consumers)

Directions
You may write in this book during perusal time.
Paper Two has two parts:
- Part A — You, the law and society
  Attempt two questions only
  (one from Section 1 — Jobs and one from Section 2 — Consumers)
- Part B — Law in a changing society
  Attempt one question only.

Suggested time allocation
- Part A Section 1: 60 minutes
  Section 2: 60 minutes
- Part B: 60 minutes

Assessment
Paper Two assesses the following assessment criteria:
- Knowledge and understanding
- Investigation
- Evaluation
- Communication skills
Assessment standards are at the end of this book.

After the examination session
The research task material will be collected by the supervisor.
Take this book when you leave.
Planning space
Part A — You, the law and society

Section 1 — Jobs

Choose one question from Section 1 — Jobs and respond in essay form. Your response should be approximately 600 words in length. Write your response in the response book. Suggested time allocation: 60 minutes.

Either

Question 1 — Rights of employees

Employers have many responsibilities to employees in their workplaces. One of these is to protect their employees against discrimination. Examine how federal and/or state law seeks to protect workers from unfair treatment by considering at least two grounds for discrimination. Does current legislation adequately ensure protection? What changes, if any, would you recommend?

or

Question 2 — Workplace health and safety

A recent media article claimed that ‘Australian occupational health and safety appears to need first aid’. While employers are expected to assess risk and control the work environment, employees should be expected to share some responsibility. How best to achieve this balance is a complex issue. Evaluate how the above stakeholders are protected through both legislation and common law. Determine the adequacy of such protection. Make any recommendations you believe would improve the effectiveness of the current system.

or

Question 3 — Employment agreements

The objective of the Fair Work Act 2009 (Cwlth) is to provide a framework in which industrial relations strikes an equitable balance between the needs of employers and employees in a modern economy.

Does Australian law currently meet the needs of both parties? What changes, if any, would you recommend? You should consider both awards and enterprise agreements in your discussion.

End of Section 1
Section 2 — Consumers

You were required to complete a research task during the year, and bring your research material into the examination room. The research material must be used in your response to one of the essay topics below. Although the research material itself will not be assessed by markers, it must be handed in to the supervisor at the end of the examination.

Choose one question from Section 2 — Consumers and respond in essay form.

Your response should be approximately 600 words in length.

Write your response in the response book.

Suggested time allocation: 60 minutes.

Either

Question 1 — Insurance

Consumers manage risk through use of insurance products such as life, health, home/contents, car and travel. Insurance contracts contain terms that specify the rights and responsibilities of both insurers and consumers.

Critically review how effectively insurance law protects both the insurer and the insured.

or

Question 2 — Unfair business practices

On 1 July 1998, the responsibility for consumer protection in Australia was handed over to the Australian Securities and Investments Commission (ASIC). Legislative protection against unfair practices is provided by:

- National Consumer Credit Protection Act 2009 (Cwlth)
- Competition and Consumer Act 2010 (Cwlth)
- Sale of Goods Act 1896 (Qld) and
- Fair Trading Act 1989 (Qld)

Does legislation balance the rights of both traders and consumers? You should consider at least two of the above Acts in your response.

End of Section 2

End of Part A
Choose one question from Part B — Law in a changing society and respond in essay form.

Your response should be approximately 600 words in length.

Write your response in the response book.

Suggested time allocation: 60 minutes.

Either

Question 1 — Features of good law

A good law needs to reflect the common good of all as well as the rights of individuals. It also needs to promote justice and equity. By considering a recent addition or amendment to law (e.g. new Queensland laws in relation to criminal gangs), examine how effectively it demonstrates these features. Propose any changes which you consider would better meet these goals.

or

Question 2 — Legal reform

Pressure groups, often supported by the media, play a significant role in shaping public opinion, which in turn leads to changes to our legal system.

Consider an example where pressure groups have played a role in changing the law or introducing a new law. Evaluate the strengths and weaknesses of this means of law reform.

or

Question 3 — Adversarial system

Australia’s court system is adversarial in nature, i.e. each party presents evidence which in turn is disputed by the opposing party and a decision is then made by a judge. European courts, on the other hand, adopt an inquisitorial approach where the judge conducts the investigation before and during the court process and then makes the final decision.

Discuss the strengths and weaknesses of these two approaches. Make a decision about whether our court system should follow the European model.

End of Part B

End of Paper Two
## Assessment standards from the Legal Studies Senior External Syllabus 2007 (amended 2009)

### Paper Two

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<tbody>
<tr>
<td><strong>Knowledge and understanding</strong></td>
<td>The candidate’s work has the following characteristics:</td>
<td>The candidate’s work has the following characteristics:</td>
<td>The candidate’s work has the following characteristics:</td>
<td>The candidate’s work has the following characteristics:</td>
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<tr>
<td></td>
<td>• accurate and comprehensive information about key concepts,</td>
<td>• substantial information about most key concepts,</td>
<td>• general information about key concepts, identifying relevant aspects of the law</td>
<td>• information about some legal concepts with tenuous links to aspects of the law</td>
<td>• information about some legal concepts</td>
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<td></td>
<td>identifying links to significant aspects of law</td>
<td>identifying significant aspects of the law</td>
<td>explanation of some legal issues with use of appropriate examples.</td>
<td>• inclusion of some examples related to legal issues.</td>
<td>• inclusion of some legal concepts</td>
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<td>• thorough explanation and recognition of legal issues,</td>
<td>• significant explanation and recognition of legal issues,</td>
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<tr>
<td></td>
<td>with links between knowledge and highly relevant examples.</td>
<td>illustrated with relevant examples.</td>
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<td><strong>Investigation</strong></td>
<td>The candidate’s work has the following characteristics:</td>
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<td>• analysis of legal issues and problems in significant detail</td>
<td>• analysis of legal issues and problems in considerable detail</td>
<td>• some analysis of legal issues and problems</td>
<td>• identification of some legal issues and problems</td>
<td>• occasional identification of some legal issues and problems</td>
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<td>• consistent selection and application of relevant legal principles and procedures</td>
<td>• in the main, selection and application of relevant legal principles and procedures</td>
<td>• selection and application of some relevant legal principles and procedures</td>
<td>• selection of some legal procedures</td>
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<td>• identification of a wide range of relevant legal responses to problems and issues.</td>
<td>• identification of a range of relevant legal responses to problems and issues.</td>
<td>• identification of some relevant legal responses to problems and issues.</td>
<td>• identification of some legal responses to problems and issues.</td>
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<td>Evaluation</td>
<td>The candidate's work has the following characteristics:</td>
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<td>• comprehensive, well-informed critiques of legal issues</td>
<td>• informed critiques of legal issues</td>
<td>• critiques of legal issues</td>
<td>• description of legal issues</td>
<td>• occasional description of legal issues</td>
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<td>• valid and detailed conclusions about the suitability of legal outcomes</td>
<td>• valid conclusions about the suitability of legal outcomes</td>
<td>• some valid conclusions about legal outcomes</td>
<td>• some conclusions about legal outcomes</td>
<td>• some conclusions about legal outcomes</td>
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<td>• detailed and convincing justification of reasoned stances on issues of law.</td>
<td>• detailed justification of reasoned stances on issues of law.</td>
<td>• some justification of stances on issues of law.</td>
<td>• stances taken on issues of law</td>
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<td>Communication</td>
<td>The candidate’s work has the following characteristics:</td>
<td>The candidate’s work has the following characteristics:</td>
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<td>skills</td>
<td>• clear, concise and fluent organisation and presentation of information</td>
<td>• clear and concise organisation and presentation of information</td>
<td>• organisation and presentation of information with some clarity</td>
<td>• presentation of some information</td>
<td>• presentation of some information</td>
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<td>• proficient use of legal and law-related terminology, definitions and documents</td>
<td>• correct use of legal and law-related terminology, definitions and documents</td>
<td>• use of legal and law-related terminology, definitions and documents, with some inconsistencies</td>
<td>• some use of legal and law-related terminology, definitions and documents</td>
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<td>• proficient use of suitable forms and styles of written communication.</td>
<td>• effective use of suitable forms and styles of written communication.</td>
<td>• use of suitable forms and styles of written communication, with minor lapses.</td>
<td>• some use of forms and styles of written communication.</td>
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